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By Tarrell L. Littleton on Jun 07, 2010

FOR THE UNITED STATES
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

Jun 07, 2010

FILED
CLERK'S OFFICEUNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATIONIN RE: KITEC PLUMBING SYSTEM PRODUCTS
LIABILITY LITIGATION

Rebecca Steiner, et al. v. IPEX USA, Inc., et al.,)	
W.D. Washington, C.A. No. 2:10-272)	MDL No. 2098
Nathaniel Hillary, et al. v. IPEX USA, Inc., et al.,)	
W.D. Washington, C.A. No. 2:10-273)	

TRANSFER ORDER

Before the entire Panel*: Plaintiffs in two actions pending in the Western District of Washington have moved, pursuant to Rule 7.4, R.P.J.P.M.L., 199 F.R.D. 425, 435-36 (2001), asking the Panel to vacate its order conditionally transferring the actions to the Northern District of Texas for inclusion in MDL No. 2098. Responding defendant IPEX USA LLC (IPEX) supports transfer of the actions.

After considering all argument of counsel, we find that these actions share questions of fact with actions in this litigation previously transferred to the Northern District of Texas, and that transfer of both actions to the Northern District of Texas for inclusion in MDL No. 2098 will serve the convenience of the parties and witnesses and promote the just and efficient conduct of this litigation. We further find that transfer of these actions is appropriate for reasons that we set out in our original order directing centralization in this docket. In that order, we held that the Northern District of Texas was a proper Section 1407 forum for actions involving allegations that IPEX plumbing pipes and pipe fittings are defective. *See In re Kitec Plumbing System Products Liability Litigation*, 655 F.Supp.2d 1364 (J.P.M.L. 2009).


Plaintiffs can present their motions for remand to state court to the transferee court. *See, e.g., In re Ivy*, 901 F.2d 7 (2nd Cir. 1990); *In re Prudential Insurance Company of America Sales Practices Litigation*, 170 F.Supp.2d 1346, 1347-48 (J.P.M.L. 2001).

IT IS THEREFORE ORDERED that, pursuant to 28 U.S.C. § 1407, these actions are transferred to the Northern District of Texas and, with the consent of that court, assigned to the Honorable W. Royal Furgeson, Jr., for inclusion in the coordinated or consolidated pretrial proceedings occurring there in this docket.

* Judge Furgeson did not participate in the disposition of this matter.

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PANEL ON MULTIDISTRICT LITIGATION



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